

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS**

**Minutes of August 26, 2021 Board Meeting**

Centennial Building, 505 E. Huntland Dr., Ste. 350

Austin, TX 78752

10:00 a.m. until completion of business

<b><u>AGENDA ITEMS</u></b>	<b><u>DESCRIPTIONS</u></b>																
<b>1A. Call to Order</b>	Ms. Dockery called the meeting to order at 10:00 a.m.																
<b>1B. Roll Call</b>	<p>Mr. Trevino called the roll.</p> <p><u>Present Board Members</u></p> <table><tr><td>Debra Dockery</td><td>Chair, Architect Member</td></tr><tr><td>Rosa Salazar</td><td>Vice-Chair, Registered Interior Designer</td></tr><tr><td>Fernando Trevino</td><td>Secretary/Treasurer, Public Member</td></tr><tr><td>Chase Bearden</td><td>Public Member</td></tr><tr><td>Jennifer Walker</td><td>Architect Member</td></tr><tr><td>Joyce Smith</td><td>Public Member</td></tr><tr><td>Darren James</td><td>Architect Member</td></tr><tr><td>Tim Bargainer</td><td>Landscape Architect Member</td></tr></table>	Debra Dockery	Chair, Architect Member	Rosa Salazar	Vice-Chair, Registered Interior Designer	Fernando Trevino	Secretary/Treasurer, Public Member	Chase Bearden	Public Member	Jennifer Walker	Architect Member	Joyce Smith	Public Member	Darren James	Architect Member	Tim Bargainer	Landscape Architect Member
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<b>1C. Excused and Unexcused Absences</b>	<p>Robert (Bob) Wetmore, Architect Member</p> <p>A MOTION WAS MADE AND SECONDED (Bearden/Bargainer) TO APPROVE THE EXCUSED ABSENCE OF BOB WETMORE. THE MOTION PASSED UNANIMOUSLY.</p>																
<b>1D. Determination of a Quorum</b>	A quorum was present.																
<b>1E. Recognition of Guests</b>	Ms. Dockery acknowledged the following members of TBAE staff and guests in the audience: Julie Hildebrand, Executive Director; Lance Brenton, General Counsel (via teleconference); Dale Dornfeld, IT Manager; and Jeri Morey, architect from Corpus Christi. Glenn Garry joined the meeting for his presentation on communications.																
<b>1F. Chair's Opening Remarks</b>	<p>Ms. Dockery welcomed the audience and the Board to the quarterly meeting of the Texas Board of Architectural Examiners. Ms. Dockery stated that because this was an August meeting, the Board would be approving a budget and considering the performance of both the agency and the executive director for the previous fiscal year. She stated that despite the upheaval over the last year and a half, the agency had a good year overall.</p> <p>Ms. Dockery continued by sharing her thoughts on a recent article about a Texas A&amp;M professor who coined the term "The Great Resignation," which</p>																

	<p>he used to describe the mass exodus of folks from either their jobs or the work force entirely because they do not feel appreciated or they do not feel they are doing significant work. With that in mind, Ms. Dockery took the opportunity to let the staff know that the Board appreciated their service and their commitment to the agency. She emphasized the Board's awareness of how well the employees perform and how efficiently the agency operates in striving to protect the health, safety, and welfare of the citizens of Texas. She requested that the Executive Director pass along her comments to the staff, so they would know that they are appreciated and that the Board knows they are doing significant work at the agency.</p> <p>She also expressed her appreciation to her fellow board members. She emphasized that it was a distinct pleasure to serve with a group that was so congenial and cohesive. She noted that the Board members volunteer their time and she hoped that they found their service as rewarding as she did. She thanked the board members for their service.</p>
<b>1G.</b> <b>Public Comments</b>	<p>Jeri Morey provided a public comment. First, she requested a change to the minutes from the June Board meeting regarding her comments to the Board about a program being presented at the Lower Rio Grande Valley conference. Ms. Morey clarified that, at the time of her prior comments to the Board, the program had been submitted to the organizers for inclusion in the conference, but not yet accepted (as indicated in the draft minutes). Ms. Morey then confirmed that, prior to the August Board meeting, the program recently had been accepted for inclusion in the conference.</p> <p>Additionally, to follow up on her comments about performance-based design at the previous Board meeting, Ms. Morey submitted a document for the Board's review, entitled <i>"Why Architects Need to Learn Performance Based Design."</i></p>
<b>2.</b> <b>Approval of June 22, 2021 Board Meeting Minutes</b>	<p>Ms. Dockery noted that Ms. Morey's requested correction to the minutes was located in the Board materials on page 6 at 1G. Ms. Dockery suggested that the minutes be corrected to say that she notified the Board of a "possible presentation" rather than an "upcoming presentation."</p> <p>A MOTION WAS MADE AND SECONDED (Smith/Salazar) TO APPROVE THE AMENDED JUNE 22, 2021 BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.</p>
<b>3.</b> <b>Executive Director's Report</b> <b>A.</b> Summary of Executive Accomplishments <b>B.</b>	<p>Ms. Dockery invited Ms. Hildebrand to deliver the Executive Director's report.</p> <p>Ms. Hildebrand discussed the information contained in her report on pages 15-18 of the Board materials. She referred the Board to those materials as a supplement to her verbal presentation.</p>

<p>Operating Budget/Scholarship Fund: Presentation on 3<sup>rd</sup> Quarter Fiscal Year 2021 Expenditures/Revenue</p>	<p>Ms. Hildebrand directed the Board to the 3<sup>rd</sup> quarter budget on page 19. Ms. Hildebrand noted that this document was included within the Board materials for the June meeting, and that she did not have anything to add from that previous discussion.</p> <p>Ms. Hildebrand referred the Board to page 20 and provided an update on the scholarship fund. She noted that the scholarships were discussed at the previous meeting, specifically the relatively low participation in the scholarship by architect examinees. Following the Board's direction to consider what could be done to increase participation, Ms. Hildebrand discussed the issue with staff, and her recommendation was to increase the maximum income for eligibility from \$55,000 to \$65,000. Additionally, she said the application process had been streamlined to allow the applicant to certify income eligibility rather than being required to send in tax information. Ms. Hildebrand also noted that an article would be placed in the upcoming newsletter encouraging examinees to apply.</p> <p>Regarding the scholarship, Ms. Salazar asked whether it was a reimbursement of cost and when an examinee was eligible to apply. Ms. Hildebrand confirmed that the scholarship was a reimbursement of the exam cost and stated that an examinee could apply after the examinee had passed exams costing in excess of \$500 in total.</p>
<p><b>4. Approval of the FY22 Operating Budget</b></p>	<p>Ms. Hildebrand referred the Board to the proposed draft of the FY 2021 budget on page 21 and presented a summary of the budget and her line-item projections for the fiscal year.</p> <p>Regarding Ms. Hildebrand's discussion of possible retirements in the fiscal year and how that could impact salaries and wages, Mr. James asked whether state agencies had experienced difficulties filling vacancies, as has been observed in the private sector.</p> <p>Ms. Hildebrand acknowledged those difficulties, but expressed that, with the agency's self-directed status and her ability to come back to the Board for adjustment of the budget, she was hopeful that she had the tools to respond to market conditions, if necessary.</p> <p>Ms. Hildebrand also discussed the budget item for professional fees and services. She said the agency had spent less than the budgeted amount for 2021, but since she expected an increase in case work at SOAH, she opted to keep the budgeted amount static. She also noted that the unit cost of those services would be going up, due in part to the loss of Jim Sealy, the agency's prior expert.</p> <p>Ms. Salazar asked how the agency identified potential expert witnesses.</p>

	<p>Ms. Hildebrand stated that Jack Stamps and Lance Brenton had spent time on this search over the past year, which included reviewing expert reports that had been submitted to the Board pursuant to complaints, as well as outside research.</p> <p>Ms. Smith asked if someone was interested in serving as an expert but had worked on the other side, would they be able to serve? Ms. Hildebrand believes that it would be decided on a case-by-case basis.</p> <p>A MOTION WAS MADE AND SECONDED (James/Bargainer) TO APPROVE THE 2022 PROPOSED OPERATING BUDGET. THE MOTION PASSED UNANIMOUSLY.</p>
<p><b>5. Board Member Learning and Envisioning</b> Communications, Website and Newsletter</p>	<p>Mr. Garry presented information to the Board regarding TBAE Communications, including roles, responsibilities, and plans for the future, as summarized on pages 23-36 in the Board materials.</p> <p>Mr. James noted that there had been approximately 12,000 communications impressions since 2008. He asked whether those numbers were uniform across years, or whether there is a lot of variance. He also suggested Instagram as a suitable platform for communicating with the younger generation and suggested expanded use of infographics in the newsletter, since the professions are a graphic business.</p> <p>Mr. Garry thanked Mr. James for his suggestions and said the number of impressions tends to fluctuate from year to year. Certainly, there were fewer impressions over the last year due to COVID. He also said there tends to be a small drop during the legislative session, when he generally avoids traveling so as to be available as a resource for legislative work.</p> <p>Mr. Garry provided the Board with a demonstration of the planned changes to the agency website. Additionally, Ms. Hildebrand discussed the process staff has used to review the existing website and plan for improvement.</p> <p>Generally, the Board expressed support for the planned changes. Ms. Salazar said the new website seemed to be user-friendly and intuitive.</p> <p>Mr. Bargainer asked when the new website would be rolled out.</p> <p>Mr. Garry said he expected that would occur within the year, hopefully within a few months.</p> <p>Ms. Salazar asked how Mr. Garry organizes his visits and presentations to various schools around the state.</p> <p>Mr. Garry noted that these visits can be initiated in various ways. For example, when NCARB comes to Texas for school visits, they will usually visit multiple schools during one trip and invite Board staff to join those</p>

	<p>visits. Other visits are initiated upon request of the school, or if there is a strong relationship, can take place on an annual basis.</p> <p>The Board thanked Mr. Garry for his presentation.</p>
<p><b>6.</b> <b>Approval of Rule Review and Readoption of Board Rules</b> 1.21, 1.22, 1.211, 1.212, 1.213, 3.21, and 3.22 (Action)</p>	<p>Mr. Brenton referred to the Board materials for this agenda item beginning on page 37. He summarized those materials, provided staff's recommendation, and invited any questions or comments from the Board.</p> <p>A MOTION WAS MADE AND SECONDED (Bearden/Smith) TO READOPT 22 TEX. ADMIN. CODE §§ 1.21, 1.22, 1.211, 1.212, 1.213, 3.21, and 3.22 , AS AUTHORIZED UNDER TEXAS GOVERNMENT CODE §2001.039(c). THE MOTION PASSED UNANIMOUSLY.</p>
<p><b>7.</b> <b>Consideration of Draft Amendments for Proposal</b> Draft Amendments to 3.191 relating to the experience requirement for landscape architectural registration by examination, incorporating directives from the Regulatory Compliance Division of the Office of the Governor</p>	<p>Mr. Brenton referred to the Board materials for this agenda item beginning on page 53. He summarized those materials, provided staff's recommendation, and invited any questions or comments from the Board.</p> <p>A MOTION WAS MADE AND SECONDED (Bearden/Bargainer) TO APPROVE DRAFT AMENDMENTS TO 22 TEX. ADMIN. CODE §3.191 FOR PROPOSAL AND PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER.</p> <p>Mr. James questioned whether 35 hours x 52 weeks accommodates vacation time and how that is accounted for?</p> <p>Ms. Dockery stated that, because the requirement was stated in hours rather than years, it shouldn't make too much of a difference. She also noted that the proposed requirement is slightly less than what architects are required to complete under the AXP.</p> <p>Mr. Bargainer stated that he had discussed the proposed hour requirement with staff and supported the proposal.</p> <p>Ms. Dockery called for the vote. THE MOTION PASSED UNANIMOUSLY.</p>
<p><b>8.</b> <b>Enforcement Cases Review and possibly adopt ED's recommendation in the following cases</b>  <b>8A.</b> <b>Registrant/Non-Registrant Cases</b></p>	<p>Ms. Dockery stated that there were two enforcement cases, which are both continuing education cases. She stated that the Board would consider the cases together.</p> <p>Mr. Brenton directed the Board to the written materials for the cases beginning on page 59 of the Board materials and asked whether there were any recusals. There were none. He explained that it was staff's recommendation for the Board to enter an order in each case that adopts the findings of fact, conclusions of law, and recommended administrative</p>

	<p>penalty, as set forth in the respective Notice of Violation for the following cases:</p> <p><b>Contros, Christina Marie (#159-21A)</b>  <b>Kelsey, Rachel Rae (#137-21I)</b></p> <p>A MOTION WAS MADE AND SECONDED (Bearden/Smith) TO ACCEPT STAFF'S RECOMMENDATIONS IN THE ABOVE-REFERENCED CONTINUING EDUCATION CASES. THE MOTION PASSED UNANIMOUSLY.</p>
	<p><b>The Board took a break at 11:18 a.m. and reconvened at 11:30 a.m.</b></p>
<p><b>9. Executive Director Annual Performance Evaluation</b></p> <p><b>A. Report on findings based upon performance evaluation</b></p> <p><b>B. Consider and possibly act upon any personnel action that may be proposed by the Board.</b></p>	<p>Ms. Dockery stated that the Board would review the Executive Director's performance for the past year.</p> <p>Ms. Dockery announced that the Board would meet in closed session pursuant to Tex. Gov't Code 551.074 to confer on personnel matters. The executive session began at 11:30 a.m.</p> <p>At 12:02, the Board convened in open meeting. Ms. Dockery indicated that there was no final action, decision or vote on any matter discussed during the executive session. A certified agenda of the executive session will be maintained.</p> <p>A MOTION WAS MADE AND SECONDED (Bearden/Smith) TO GIVE THE EXECUTIVE DIRECTOR A SIX PERCENT (6%) INCREASE IN SALARY.</p> <p>Mr. Bearden supported his motion by noting the extraordinary circumstances over the last year in light of the recent move to a new office and facing the challenges of COVID-19. He said this was a raise the Board might not consider every year, but it was deserved in light of those challenges.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p> <p>Ms. Dockery outlined the Board's performance goals for the executive director over the next year, including 1) continued documentation of succession planning with an emphasis on transitional retention and institutional knowledge, as well as managing the hybrid work program; 2) monitoring regulatory agencies for issues that could impact our agency's performance; and 3) taking a longer view at strategic plans, specifically regarding operational issues of the agency and how technology could impact regulation.</p> <p>Ms. Dockery said the Board is so pleased with Ms. Hildebrand's performance and stated the Board is so blessed to have her and Board members expressed their agreement.</p>

10.

**Resolution Honoring  
Corbett "Chase"  
Bearden**

Ms. Dockery said the next agenda item was a resolution in honor of Chase Bearden and his service to the agency. Ms. Dockery began by recalling that, during her own orientation, Mr. Bearden took time out of his own schedule to join her for lunch, which really impressed her and made her feel so welcome. She noted Mr. Bearden's wise input as a Board member, especially his calming influence during the engineer litigation. Additionally, she recalled legislators complimenting Mr. Bearden on the effectiveness of his testimony during Sunset hearings, even as he noted accessibility shortcomings in the Capitol building and individual offices. She suggested that this testimony provided an example that contributed to preserving the regulation of registered interior designers in Texas. She also praised Mr. Bearden for his contributions in the Board's transition to a new executive director. Ms. Dockery noted Mr. Bearden had been a great advocate for all persons to be able to participate in the built environment and noted the awards and recognitions Mr. Bearden had received for that work. She said the agency had benefitted from his service and that she was a better person to have known him and would miss his outstanding support, positive influence and generally kind demeanor he brings to the world. Ms. Dockery concluded her comments by stating that the Board would miss him and she hoped to cross paths again.

Mr. Bearden stated that it had been a great experience and he had worked with many agencies but in his opinion TBAE was the most well-run agency with the best people working in it. He said that although he was leaving the Board, he lives in Austin and to please let him know if he was ever needed.

Ms. Salazar added that Chase Bearden was a superstar in the interior design world. She said she had known of Chase since before she was on the Board, that he was very well-respected, and she thanked him for everything he had done.

Ms. Hildebrand thanked Mr. Bearden for his dedication and read a letter of appreciation from the staff.

Ms. Dockery read the official Proclamation into the record:

**BE IT KNOWN THAT CORBETT "CHASE" BEARDEN** Has distinguished himself by his long years of dedicated service to all the people who live, work, and play in the built environment of the State of Texas; and

**WHEREAS**, Mr. Bearden is a native Texan, hailing from the city of Harlingen in Cameron County; and

**WHEREAS**, Mr. Bearden graduated Concordia University with a bachelor's degree in Business; and

	<p><b>WHEREAS</b>, Mr. Bearden has been a guest lecturer in the Texas State University Therapeutic Recreation Department and a Member of the Rehabilitation Council of Texas; and</p> <p><b>WHEREAS</b>, Mr. Bearden has volunteered as a coach for local nurses and therapists on providing treatment, teaching life skills, and working with patients who suffer spinal cord injuries; and</p> <p><b>WHEREAS</b>, Mr. Bearden was appointed by Governor Rick Perry in 2009 as a Member of the Texas Board of Architectural Examiners and subsequently served the people of Texas in several important Board roles, including as Secretary-Treasurer and Vice-Chair, and as a Member of the Executive Committee, Executive Director Performance Review Committee, and Legislative Review Committee; and</p> <p><b>WHEREAS</b>, Mr. Bearden served on the Credentials and Policy Advisory Committees of the National Council of Architectural Registration Boards; and</p> <p><b>WHEREAS</b>, Mr. Bearden has played an invaluable role not only in the elimination of architectural barriers to ensure that all Texans have equal access to the built environment, but also in the protection of the public health, safety, and welfare both within and without the Lone Star State; now, therefore, be it</p> <p><b>RESOLVED</b> that the Texas Board of Architectural Examiners, in Formal Meeting assembled this 26<sup>th</sup> day of August, 2021, does publicly acknowledge its appreciation of outstanding service to the state of Texas and have voted unanimously for this RESOLUTION OF APPRECIATION To Corbett "Chase" Bearden, and have caused a copy of this Resolution to be included within the minutes of this Board."</p> <p>Ms. Dockery called for a vote on the Proclamation.</p> <p>A MOTION WAS MADE AND SECONDED (James/Walker) to APPROVE THE PROCLAMATION. THE MOTION PASSED UNANIMOUSLY.</p> <p>Ms. Dockery announced that the Board would be receiving a new board member in November – Lauren Taylor from Denton, Texas.</p> <p>Mr. Bearden said he had reached out to Ms. Taylor and offered any assistance she might need.</p>
<p><b>11.</b> <b>Approval of the Proposed 2022 Board Meeting Dates</b></p>	<p>Ms. Dockery read the proposed dates and stated that the Board would vote on the following meeting dates for next year:</p> <p>Thursday, February 24, 2022; Thursday, May 26, 2022;</p>



	<p>Thursday, August 25, 2022; Thursday, November 17, 2022</p> <p>A MOTION WAS MADE AND SECONDED (Bargainer/James) TO APPROVE THE PROPOSED 2022 BOARD MEETING DATES. THE MOTION PASSED UNANIMOUSLY.</p>
<p><b>12.</b> <b>Reports on National Regulatory Boards and Board Member and Staff Committee Service</b></p>	<p>Ms. Hildebrand stated that she would provide the Board with links to two previous events. The first was the opening session of the NCARB Licensing Advisor's Summit Annual Business Meeting, which was presented by Alfred Vidaurri and represented a very informative look of everything that is at the forefront at NCARB. Second was the CLARB presentation at the regional meeting, which focused on potential changes at CLARB, including the experience and education requirements for landscape architects and what the justifications are for those requirements. She encouraged the Board members to listen to the presentations, which could be relevant to strategic planning in the future.</p> <p>Ms. Smith stated that she would be attending a virtual meeting the next day for the NCARB professional conduct committee. It is a small committee that meets monthly.</p> <p>Ms. Dockery stated she would be attending virtual training for the Certification Alternative Review team for NCARB.</p> <p>Ms. Hildebrand stated that she was returning to the Incidental Practice committee for NCARB.</p>
<p><b>13.</b> <b>Report on Conferences and Meetings</b> <b>A.</b> NCARB Annual Business Meeting – June 23-25 <b>B.</b> NCARB Licensing Advisory Committee – Aug 5-7 <b>C.</b> ASID Texas 2021 Celebrating Design Texas: Education, Expo &amp; Awards – Aug 12-13</p>	<p>Ms. Dockery stated she attended the NCARB Annual Business Meeting virtually along with Joyce Smith and Julie Hildebrand. She said it was a fine meeting and all the resolutions passed. Ms. Smith stated that she did not get to attend as many sessions as she would have liked due to the time difference between Texas and California.</p> <p>Ms. Hildebrand had reported on the Licensing Summit earlier in the meeting.</p> <p>Ms. Hildebrand reported that the staff travelled to Dallas for the ASID program. She said attendance was good, but she was sure some folks had cancelled due to rising numbers for COVID.</p>
<p><b>14.</b> <b>Report on Upcoming Conferences and Meetings</b> <b>A.</b> 2021 LRGV-AIA Conference – Sep. 10-12</p>	<p>Ms. Dockery reported that Jack Stamps would be attending the 2021 LRGV-AIA Conference.</p> <p>Ms. Hildebrand noted the CLARB annual meeting in Phoenix would be limited to two people, and that she would be attending with Mr. Bargainer. She would be making a presentation, and the attendees would also watch a video featuring Mr. Bearden discussing accessibility issues.</p>

<b>B. CLARB Annual Meeting – Sep. 22-24</b> <b>C. FARB: 2021 FARB Regulatory Law Seminar – Sep. 30-Oct. 3</b> <b>D. TxA Annual Conference and Expo – Oct. 7-9</b>	<p>Ms. Hildebrand and Ms. Smith would be attending the FARB seminar in person. Ms. Hildebrand stated that FARB is a joint organization that includes memberships from many regulatory board associations such as NCARB and CLARB. As such, the program is for all regulatory boards.</p> <p>Ms. Dockery discussed the TxA conference and highlighted the convocation, which would be honoring newly registered architects from the previous two years. She said this was a moving ceremony and encouraged all to attend. She noted that that Mr. Garry and Mr. Stamps would be making a presentation and Mr. James would be making two presentations.</p>
<b>15. Board Member Comments/Future Agenda Items</b>	<p>Ms. Dockery asked if the Board members had any comments or suggestions on future agenda items. No comments or suggestions were received.</p>
<b>16. Upcoming Board Meeting</b>	<p>Ms. Dockery stated that the next Board meeting would be Tuesday, November 16<sup>th</sup> and was scheduled to be in person rather than virtual.</p>
<b>17. Adjournment</b>	<p>THE MEETING ADJOURNED AT 12:31 PM.</p>

APPROVED BY THE BOARD:



DEBRA J. DOCKERY, FAIA

Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS